

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PATRICK KINGSTON,

Plaintiff,

vs.

AFFIRMATION OF NO OPPOSITION

Case No. 12-CV-349S(F)

CARDINAL O'HARA HIGH SCHOOL, *et. al.*,

Defendants.

The undersigned, Michael E. Appelbaum, Esq., an attorney at law, affirms that the following statements are true under penalties of perjury:

1. I am an attorney at the law firm Damon Morey LLP, counsel to Defendant, The Boys and Girls Club of the Northtowns Foundation, Inc. ("Boys & Girls") in the above-referenced matter.
2. I am fully familiar with the facts herein, and am competent to offer testimony.
3. I make this affirmation in connection with the motion to remand filed by Plaintiff, Patrick Kingston ("Plaintiff").
4. The Boys & Girls submit this affirmation pursuant to the Scheduling Order filed by the Court on May 2, 2012. (Docket No. 11.)
5. Simply put, the Boys & Girls do not oppose Plaintiff's motion to remand.

DATED: May 18, 2012
Buffalo, New York

/s/ Michael E. Appelbaum

Michael E. Appelbaum

Doc #1698307.1

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2012, I filed the Affirmation of No Opposition dated May 18, 2012 with the Clerk of the District Court using its CM/ECF system and thereby served the following CM/ECF participants:

Frank J. Dolce, Esq. (fdolce@cldplaw.com)
Thomas J. Speyer, Esq. (tspeyer@cheluslaw.com)

Dated: Buffalo, New York
May 18, 2012

DAMON MOREY LLP

By: /s/ Michael E. Appelbaum
Michael E. Appelbaum, Esq.
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Foundation, Inc.*
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